REMARKS

Introduction

Claims 1-17, 19-23, 25-74, and 77-98 are pending in the present application. In view of the following remarks, it is respectfully submitted that claims 1-17, 19-23, 25-74, and 77-98 are allowable. Reconsideration of the present application is requested.

Rejection of Claims 1-17, 19-23, 25-74 and 77-98 under 35 U.S.C. § 103(a)

Claims 1-17, 19-23, 25-74, and 77-98 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,072,489 to Gough et al. ("Gough") in view of U.S. Patent No. 6,331,861 to Gever et al. ("Gever"). Applicants respectfully submit that this rejection should be withdrawn in view of the following remarks.

The pending independent claims of the present application (1, 17, 20, 23, 31, 47, 52, 62, 66, 77, 83, 84, 85, 93, 94, 95, 96 and 97) each contain features directed to creating an overlay plane or layer including an object to be displayed, and displaying that object by overlaying the plane or layer in the window. As described on page 8 of the specification, "according to the present invention, overlaying is a drawing technique where objects are overlaid with a background resulting in a final presentation where the objects and background appear to be integrated." Thus, for an object to be overlaid in a application window in accordance with the pending claims, there must be both an overlay plane or layer containing the object and a background window or layer for the overlaid object to appear integrated with. As discussed below, neither Gough or Gever describe an overlay plane that integrates with a background window.

The Gough reference describes a method and apparatus for providing translucent images on a computer display. Gough accomplishes this process by making a first image or window appear translucent so that a second image or window can be viewed through the translucent one (see, e.g., 8:30-57).

The Gever reference describes a system for superimposing a 3D object or 3D character on a display using a particular technique referred to as "Transparent 3D" (see, generally, 21:39-23:20). As described in Gever, this Transparent 3D technique

involves rendering the object as a bitmap, creating a "mask" based on the pixels occupied by the image of the object, defining a window by the mask, and drawing a window containing the image of the object on the screen above the other windows (see 22:19-45).

In contrast to Gough and Gever, the pending independent claims of the present application (1, 17, 20, 23, 31, 47, 52, 62, 66, 77, 83, 84, 85, 93, 94, 95, 96 and 97) each contain features directed to creating an overlay plane or layer including an object to be displayed, and displaying that object by overlaying the plane or layer in the window. For example, claim 1 recites:

> A method for overlaying an object in a window of a
> software application, comprising the steps of:
>
> receiving a request for the object to be displayed in
> the window, the request being initiated by a behavior of a
> user viewing the window;
>
> creating an overlay plane including the object as a
> function of the receiving step; and
>
> displaying the object, in response to the request, by
> overlaying the created overlay plane in the window,
> wherein the object is displayed in a predetermined location
> relative to the window that is independent of a location of a
> pointing device.

Unlike the claims of the present invention, Gough does not describe overlaying an object in a window, but rather describes making one image or window translucent so that another image or window can be viewed through it. In Gough the overlaid image/window is not "displayed in the window" of the underlying application but is rather just made translucent so that the underlying application can be viewed simultaneously to, for example, "permit[] a user to input data into an active application program without obscuring that user's view of the program's display window" (3:66-4:5).

Furthermore, while Gever describes superimposing an image of an object over the other windows on the screen, the technique of Gever creates an entirely separate window to do so. In contrast, the pending independent claims of the present application specifically recite that the overlaying occurs "in the window" of the software application being overlaid, not in a separate window created just for the overlaid object.

Thus, for at least the above-discussed reasons, the pending independent claims of the present application are allowable over the combination of Gough and Gever.

All of the remaining pending claims are dependent on the independent claims, thus they are allowable for at least the reasons that the independent claims are allowable.

Conclusion

Applicants respectfully submit that all pending claims of the present application are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge any fees associated with this response to Kenyon & Kenyon LLP Deposit Account No. 11-0600.

Respectfully submitted,

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